

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CORNELIUS IKPEMGBE,

Petitioner,

-against-

PEOPLE OF THE STATE OF N.Y.,

Respondent.

18cv01027 (AT) (DF)

**ORDER**

**DEBRA FREEMAN, United States Magistrate Judge:**

This habeas proceeding, brought by *pro se* petitioner Cornelius Ikpemgbe (“Petitioner”) to challenge his state-court conviction, was commenced by Petitioner at a time when, according to the Petition, he was incarcerated at Five Points Correctional Facility, in Romulus, New York. (*See* Petition Under 28 U.S.C. § 2254 For a Writ of Habeas Corpus by a Person in State Custody, dated Dec. 10, 2017 (Dkt. 1) (transferred from the Western District of New York on Feb. 6, 2018 (Dkt. 3)).) Petitioner, however, never filed a reply to Respondent’s opposition to his Petition, and, indeed, he has had no communication with this Court since the date when the matter was transferred here. Furthermore, although Petitioner has never notified the Court of any change in his address, it appears, based on publicly available information, that he is currently in custody at Coxsackie Correctional Facility, in Coxsackie, New York.<sup>1</sup> The fact that Petitioner has not filed anything at all in this Court, including a reply, suggests that he may have never received the notice of transfer of the matter to this Court, or Respondent’s opposition, and it also raises a question as to whether he wishes to proceed in this Court with his habeas Petition. Under the circumstances, it is hereby ORDERED as follows:

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<sup>1</sup> *See* <http://nysdoccslookup.doccs.ny.gov/GCA00P00/WIQ3/WINQ130> (last accessed Dec. 13, 2020).

1. No later than December 18, 2020, Respondent is directed to serve another copy of its opposition papers (Dkt. 12, together with Dkts. 12-1, 12-2, 12-3, 12-4) on Petitioner at the Cossackie address shown below.

2. Petitioner's time to file a reply to Respondent's opposition is extended by this Court, *sua sponte*, to February 1, 2021. No later than that date, Petitioner is directed either to file his reply or to inform this Court that he no longer wishes to proceed with his habeas Petition. Petitioner is cautioned that, if the Court continues to hear nothing from him, then it may reach a determination on his habeas claims based solely on the Petition itself and Respondent's submissions in opposition.

3. Petitioner is also cautioned that, if he wishes to proceed with this action, he must keep the Court apprised of an address where he may be contacted.

4. Any submissions that Petitioner seeks to make in response to this Order should be mailed to the Court's *Pro Se* Office, at the following address:

United States District Court, S.D.N.Y.  
*Pro Se* Intake Unit  
U.S. Courthouse  
40 Foley Square, Room 105  
New York, New York 10007

5. The Clerk of Court is directed to mail a copy of this Order to Petitioner, at both of the addresses shown below.

Dated: New York, New York  
December 14, 2020

SO ORDERED

  
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DEBRA FREEMAN  
United States Magistrate Judge

Copies to:

Mr. Cornelius Ikpemingbe  
15-A-1208  
Five Points Correctional Facility  
Box 119  
Romulus, NY 14541

Mr. Cornelius Ikpemingbe  
15-A-1208  
Coxsackie Correctional Facility  
P.O. Box 999  
Coxsackie, NY 12051-0999

Respondent's counsel (via ECF)